IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR.

W.P.NO.2973 OF 2003. **Single Bench**

PETITIONER : Ilesh Kumar Sahu, S/o Shri Balaram Sahu, Aged about 33 years, Panchayat Karmi/Sachive, Gram Panchayat, Gorakhpurkala, Sahaspurlohara, Tahsil & Distt. Kawardha, (C.G.).

V E R S U S

RESPONDENTS : 1. State of Chhattisgarh, Through : The Secretary, Department of Panchayat and Social Welfare D.K.S. Bhawan, Raipur, (C.G.).

P.R. No. 26/12/03 Presented by Shri Nitesh Singh dated 16.9.03

2. The Collector, Distt. Kawardha, Kawardha, (C.G.).

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3. The S.D.O. (Revenue,) Kawardha, Distt. Kawardha, (C.G.).

4. The Janpad Panchayat, Sahaspurlohara, Through : C.E.O. Distt. Kawardha, (C.G.).

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5. Gram Panchayat, Gorakhpurkala, Through : Sachiv, Janpad Panchayat, Sahaspurlohara, District Kawardha, (C.G.).

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUE OF AN APPROPRIATE WRIT IN THE NATURE OF MANDAMUS/CERTIORARI ETC. OR DIRECTION/ORDER IN THE LIKE NATURE ETC.

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 2973 of 2003

Petitioner Ilesh Kumar Sahu

Versus

Respondents State of Chhattisgarh & others

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Shri H. B. Agarwal, Senior Advocate with Miss Sangeeta Mishra, Advocate for the petitioner.

Shri Sushil Dubey, Government Advocate for the respondents No.1 to 3.

None for the respondents No. 4 and 5.

O R D E R

(28th August, 2006)

The following order of the Court is passed by **Satish K. Agnihotri, J.**

Despite service, none appeared for the respondents No. 4 and 5.

Heard learned counsel for the petitioner and respondents No. 1 to 3 and perused the relevant records.

1. The petitioner was appointed as Panchayat Karmi on 12.11.1995 by the Gram Panchayat Gorakhpurkala, District Kawardha. The petitioner continued to work till 10.7.2003 when he was removed from the post of Panchayat Karmi and Panchayat Secretary. In the meantime a show cause notice was issued withdrawing the charge of Secretary from the petitioner. Since without passing the order, the charge of the Secretary was withdrawn, the petitioner preferred W.P.No. 1021/2003 in this Court. This Court vide order dated 9.5.2003 disposed of the writ petition with a direction to decide the case of the petitioner within a month in accordance with law. The respondent No.2 while disposing of the case of the petitioner in accordance with law passed the order of removal of the petitioner from the post of Panchayat Karmi and Secretary, ignoring the statutory

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provisions as envisaged in Rule 7 of the Chhattisgarh Panchayat Service (Discipline and Appeal) Rules, 1999 (for short 'the Rules, 1999').

2. It is admitted case of both the sides that the procedure prescribed under the provisions of Rule 7 of the Rules 1999 was not complied with. Admittedly, the order of removal of the petitioner from the post of Panchayat Karmi and Panchayat Secretary is contrary to the statutory provisions and without following the basic principles of the natural justice by conducting a proper enquiry as provided in Rule 7 of the Rules, 1999.

3. For the reasons stated above, the order dated 10.7.2002 passed by the respondent No.2 (Annexure P/1) is quashed. The respondents may proceed against the petitioner, if so advised, in accordance with law. This order will not come in the way, in the event, enquiry is so initiated.

4. The petition is allowed to the above extent. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur